

10/695,326

AKEP101USA

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**REMARKS**

Claims 1-5 are currently pending in the subject application and are presently under consideration. Claims 6 – 14 have been added. No new matter has been introduced by the addition of these claims.

Claims 1 and 3 has been amended. No new matter has been introduced by these amendments (see, for example, p. 3, lines 11 – 19, and, p. 16, lines 6-10, respectively).

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

**I. Rejection of Claims 1-2 Under 35 U.S.C. §103(a)**

Claims 1-2 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Johnson (U.S. Patent No. 6,629,890). Applicant's representative respectfully submits that Johnson does not make obvious the subject invention as recited in claims 1-2.

It is essential to consider all elements of the claimed invention; it is impermissible to compare the prior art with what the viewer interprets the "gist" of the invention to be *Vas-Cath Inc. v. Mahurkar*, 935 F.2d 1555, 19 USPQ2d 1111 (Fed. Cir. 1991); *Perkin-Elmer Corp. v. Computervision Corp.*, 732 F.2d 888, 221 USPQ 669 (Fed. Cir. 1984); *Jones v. Hardy*, 727 F.2d 1524, 1527-28, 220 USPQ 1021m 1024 (Fed. Cir. 1984).

The subject invention relates to "system and method for allocating a portion of a player's purchase and/or potential winnings to a player account." (p. 1, lines 12-14). As amended herein, independent claim 1 recites a limitation of "establishing a registered player account, the registered player set aside increased by a predetermined portion of a registered player's purchase, the registered player set aside transferred to the registered player account, once the registered player's set aside amount reaches a predetermined threshold level in a predetermined period of time." (emphasis added). Thus, the registered player's set aside amount is an amount which, if certain threshold are met, will be transferred to the registered player's account which "are held by the account manager 140 for the benefit of the registered player for predetermined purposes (e.g., personal

10/695,326

AKEP101USA

retirement account, medical savings account, real estate investment account, small business investment account and/or educational savings account)." p. 8, lines 5-8.

To the contrary, the set aside in Johnson "serves as the exclusive account to be used for debit and credit transactions initiated from gaming sits and locations, in lieu of any other 'unprotected' account the client may have." Col. 4, lines 14-17. Johnson does not disclose, suggest or make obvious a set aside amount which, if certain threshold are met, will be transferred to the registered player's account which are held for the benefit of the registered player for predetermined purposes.

Applicant's representative respectfully request that Examiner withdraw the rejection of independent claim 1 and claim 2 which depends therefrom.

## **II. Rejection of Claims 3-5 Under 35 U.S.C. §103(a)**

Claims 3-5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ramachandran, *et al.* (US 2001/0044747). Applicant's representative respectfully submits that Ramachandran does not make obvious the subject invention as recited in claims 3-5.

As amended herein, independent claim 3 recites a limitation of "at least one identification device comprising means for a player to provide and electronic or digital signature indicating that the player have read and understood rules and regulations of a game of chance and/or account rules and/or regulations". Applicant's representative respectfully submits that Ramachandran does not disclose, suggest or make obvious an identification device having means for a player to provide and electronic or digital signature indicating that the player have read and understood rules and regulations of a game of chance and/or account rules and/or regulations.

Applicant's representative respectfully request that Examiner withdraw the rejection of independent claim 3 (and claims 4 and 5 which depends therefrom).

## **CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

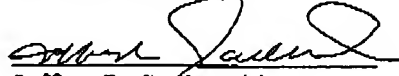
10/695,326

AKEP101USA

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 (Ref. No. AKEP101USA).

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,  
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